

**DRAFT**  
**BENTON ZONING BOARD OF APPEALS MEETING**  
**OCTOBER 6, 2015**

**PRESENT:** Dwight James; Tom Davie; Rich Meyer; Jim Willson, Steven Vaughan, and alternate, Tom Goodall.

Also Present: Nelson Weaver; Henry Horning; Isaac Hoover; Ervin Hoover; Adin Hoover; Marvin Rissler; Dick Harper, Town Councilman; Jayson Hoover, Code Enforcement Officer, and Karen Phillips, Recording Secretary.

James called the meeting to order at 7:00 p.m. with introductions.

**APPROVAL OF MINUTES:** Willson made a motion to accept the minutes of the September 1, 2015 meeting. Davie seconded the motion. All in favor.

**APPLICATION #77SUP-15:** Application request for Special Use Permit from Nelson Parts LLC of 2641 Baldwin Road, Penn Yan. Location of the SUP 1387 Lovejoy Road, Penn Yan, NY for a new shop, warehouse, sales facility and move existing business to the new location. AR1 District. (Tax Map #37.01-1-3.1)

No letters or communication was received from the public. George Alexander did send out an e-mail to the Board, which was distributed.

James noted that the Yates County Planning Board would like to see a copy of the storm water permit. Hoover noted that the Benton Planning Board recommended approval by a 4-0 vote. The e-mail from Alexander pretty much does a pretty good job of summing up the discussions. The only concerns noted were regarding the turn-around for the tractor trailers, as well as entering and exiting from Lovejoy; and, secondly, the traffic generated by the tractors were the only concerns.

James asked Ervin Hoover if this is the same location as the old Tears' Meat Market. Ervin noted that was correct. Ervin Hoover noted that the site plan was engineered by Ron Stanley of Finger Lakes Design and he has been working with Rick Ayers of Soil and Water. In talking with Ron Stanley, who will handle the storm water permit through the DEC, he noted that he would have the final details done by Saturday, October 10<sup>th</sup>.

James said he is assuming most of the equipment will be brought in by tractor trailer. Ervin Hoover noted that a lot of the new parts are freight shipped in pretty regularly; the biggest majority of the repair tractors come in on pick-up trailers, but occasionally a tractor trailer also comes in with a couple on it. He then stated that the biggest blunt of the tractor trailers that this Board is probably referring to are the box trucks with the delivery freights on it with pallets. James asked where they would unload. Ervin stated that the loading dock is on the north side. James asked if they would be able to pull in and swing around and Ervin replied that this is longer than a semi itself. Vaughan noted that from

experience, when you think people won't try something; look out because they will try it. The best thing delivery trucks could do is to come in, circle around, pull up straight and then back in. Ervin noted this will be flat and they figured it would be better to make this as wide as they can between the posts. Vaughan asked if there would be enough room for them to circle around the building. Ervin said there will be enough room to drive all the way around the building; it's the fire code. Vaughan then suggested that if the regular drivers can't make the swing have them drive around so that way they are pulling up straight and backing in and not trying to turn out into the road. Ervin noted he doesn't think there is going to be a problem as far as room. You can lead a horse to the water, but you can't make them drink. Hoover noted that in looking at the plan; he believes there is more physical space between the building and the grass than what there is on Lovejoy Road, lengthwise. Jayson Hoover suggested putting a "no backing out into the road" sign for the delivery trucks.

Jayson Hoover stated that the Planning Board also recommended a display area in the front grass area between Lovejoy and the parking lot to the south of the driveway entrance. They didn't put a quantity on display; they just said that was the display area. James indicated that it's wide enough so it will not obstruct anyone's view when pulling back out into the road.

There being no other questions or comments, James closed the public hearing.

**APPLICATION #117SUP-15:** Application from Nelson Weaver of 338 SR 14A, Penn Yan, NY. Request for a Special Use Permit to install a sign below existing sign located at 1483 SR 14A, Penn Yan. AR1 District. (Tax Map #37.02-1-7.11)

Weaver noted he wants to put a sign on the same pole (right below) as Benton Ridge Small Engines. James asked Hoover if there are any state ramifications on this. Hoover stated it is off the right-of-way. Willson asked what the size of the sign is that is there now. Weaver indicated it's a 4X8 and its 12 ft. from the ground to the top of the sign. The County Planning Board did not have any issues with this and the Benton Planning Board recommended approval with a vote of 3-1. No letters were received from neighbors.

Willson noted he feels it is better to utilize the existing space than essentially having an 8X8 rather than two 4X8 signs at different locations

There being no other questions or comments from the Board, James closed the public hearing.

**APPLICATION #121AV-15:** Area variance from Henry Horning of 1885 Briggs Road, Penn Yan, NY to locate a new building 55' from right-of-way, 80' is required. Also to place the new building in front of the primary residence. AR1 District. (Tax Map #48.01-1-4)

James noted he sees a space, if facing the road, in the left corner that is cleared out and asked why he couldn't place the barn there. Horning stated that is where the panel box for the electricity is.

Willson asked if there were any rules as far as the distances from the well. Hoover said he wants to say 10 ft.; you don't want to build it on top of the well. A question was then asked about the distance

between the septic and the well. Hoover said it should be 100 ft. Hoover said his book for standards for water wells does not call out distance to a building for a well. Willson noted he can certainly see why it wouldn't be feasible to have it behind the house because of the elevation. Retaining walls would need to be put up.

Harper asked if the land sloped towards the well from the building. James said there is a little elevation going up towards the barn. There will be no run-up towards the well. Horning said he could put it further from the road, but then he would be encroaching his house.

Dwight closed the public hearing.

**FINALIZED DECISIONS:**

**APPLICATION #77SUP-15:** Application request for Special Use Permit from Nelson Parts LLC of 2641 Baldwin Road, Penn Yan. Location of the SUP 1387 Lovejoy Road, Penn Yan, NY for a new shop, warehouse, sales facility and move existing business to the new location. AR1 District. (Tax Map #37.01-1-3.1)

Davie made a motion to make the Town of Benton ZBA Board lead agency for the SEQR. Willson seconded the motion. All in favor.

The Board went through the SEQR Part 2 questions on the application.

On Part 3 of the application, Willson made a motion that the proposed action will not result in any significant adverse environmental impacts. Meyer seconded the motion. All in favor.

Davie made a motion to grant this application with the following stipulations:

1. All DEC requirements are to be met.
2. Place a sign for all trucks to comply with keeping trucks off the road.

Vaughan seconded the motion.

The Board was polled: James: yes; Davie: yes; Meyer: yes; Willson: yes; Vaughan: yes.

**APPLICATION #117SUP-15:** Application from Nelson Weaver of 338 SR 14A, Penn Yan, NY. Request for a Special Use Permit to install a sign below existing sign located at 1483 SR 14A, Penn Yan. AR1 District. (Tax Map #37.02-1-7.11)

Vaughan made a motion to approve the special use permit. Willson seconded the motion. The Board was polled: James: yes; Davie: yes; Meyer: yes; Willson: yes; Vaughan: yes.

**APPLICATION #121AV-15:** Area variance from Henry Horning of 1885 Briggs Road, Penn Yan, NY to locate a new building 55' from right-of-way, 80' is required. Also to place the new building in front of the primary residence. AR1 District. (Tax Map #48.01-1-4)

The Board went through the test questions for the Application for an Area Variance.

Meyer made a motion to grant this application. Davie seconded the motion. The Board was polled:  
James: yes; Davie: yes; Meyer: yes; Willson: yes; Vaughan: yes.

**ADJOURNMENT:** Vaughan made a motion to adjourn the meeting at 7:40 p.m.

Respectfully submitted,

Karen M. Phillips  
Recording Secretary